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Meeting convened under paragraph 22 (d)
of the Terms of Reference of the
International Copper Study Group
Geneva, 7-8 November 1991

Report of the Chairman of the Meeting

1. The Secretary-General of UNCTAD, acting on behalf of the Secretary-General of the United Nations, in accordance with paragraph 22(d) of the Terms of Reference of the International Copper Study Group, invited those States and intergovernmental organizations which had already notified their provisional or definitive acceptance of the Terms of Reference and other States which had attended the United Nations Conference on Copper, 1988 to meet on 7 and 8 November 1991 to decide whether to put the Terms of Reference into force provisionally or definitively.

2. The Meeting was held at the Palais des Nations, Geneva, on 7 and 8 November 1991.

3. The following States and intergovernmental organizations, which had notified their acceptance of the Terms of Reference, were represented at the Meeting: Belgium, Chile, China, Finland, Greece, Luxembourg, Netherlands, Norway, Peru, Poland, Portugal, Spain, the United States of America and the European Economic Community. The following States, which had attended the United Nations Conference on Copper, 1988 - Australia, Austria, Brazil, Canada, France, Germany, Hungary, Indonesia, Italy, Japan, Mexico, Panama, Philippines, Turkey, Union of Soviet Socialist Republics and the United Kingdom of Great Britain and Northern Ireland - were also represented.

4. The Chairman of the Meeting was Mr. C. Greenhill, Deputy Director, Commodities Division, UNCTAD.

5. The Chairman welcomed the participants on behalf of the Secretary-General of UNCTAD. He recalled that the Terms of

Reference of the International Copper Study Group had been negotiated at the United Nations Conference on Copper, 1988, which had been attended by 44 States and the European Economic Community. Paragraph 22 of the Terms of Reference provided for definitive entry into force when States accounting for at least 80 per cent of trade in copper had notified the depositary of their definitive acceptance of the Terms of Reference and for provisional entry into force when States accounting for at least 60 per cent of trade in copper had notified their provisional or definitive acceptance. He informed the Meeting that, as of 6 November 1991, 13 countries and the European Economic Community had notified their definitive or provisional acceptance of the Terms of Reference. Together those countries accounted for 37.33 per cent of trade in copper as defined for the purpose of paragraph 22 in the Annex to the Terms of Reference.

6. The Chairman said in conclusion that all parties invited to the Meeting would benefit from an exchange of information on the situation relating to the International Copper Study Group. The Meeting could help to clarify the prospects for bringing into force the Terms of Reference and should be seen as an opportunity for all parties to state, inter alia, positions and exchange views and information.

7. The representative of the United States of America expressed his appreciation to those countries which had already notified their acceptance of the Terms of Reference and urged other countries to do so, in order to bring the Terms of Reference into force. He noted that the copper market was in difficulty, which reinforced the need to improve the transparency of the market. His country firmly believed in the need for a forum where copper producers and consumers could exchange information. He was aware that Japan had some difficulties in accepting the Terms of Reference as drafted at present and he stated that the United States would be prepared to seek ways to accommodate the needs of Japan.

8. The representative of Japan stated that his country was interested in joining the International Copper Study Group but was not able to accept the present Terms of Reference because of legal difficulties with two paragraphs: viz paragraph 13, referring to the liability of members of the Group, and paragraph 14 (a), which concerned its legal status. He circulated suggested amendments to both paragraphs. He recognized that the Meeting was not the proper occasion to take action on the matter, but it presented an opportunity for Japan to learn other countries' reactions. He stated that Japan would join the Group only after the Terms of Reference had been changed and he hoped that this could be done at the inaugural meeting of the Study Group.

9. The representatives of Canada, Chile, China, Finland, Germany, Indonesia, Norway, Peru and the European Economic Community said that they had no objections in principle to the amendments proposed by Japan. The representative of the United States stated that his country could accept the amendment

proposed by Japan for paragraph 13. With regard to the proposed amendment to paragraph 14(a), he was confident that some form of language could be found which would satisfy both Japan and other countries.

10. The representatives of Canada, France and Italy informed the Meeting that their authorities had already initiated their internal procedures for acceptance of the Terms of Reference. The representatives of Indonesia and Philippines indicated that their governments intended to join the Study Group.

11. The Chairman reported that he had just received a cable from the Acting Permanent Secretary of the Ministry of Mines of Zambia which indicated that Zambia had notified the depositary of Zambia's provisional acceptance of the Terms of Reference. The Chairman indicated, however, that there had been no confirmation from the depositary of receipt of the notification from Zambia.

12. The representative of Germany said that his country was likely to start internal procedures with a view to joining the Group, given the increasing evidence of support from major producers and consumers.

13. The representative of the United Kingdom of Great Britain and Northern Ireland stated that a decision had been taken by his Government not to join the Study Group. The representative of the European Economic Community informed the meeting that Ireland and Denmark had no intention of joining the Group.

14. The representative of the Netherlands, speaking on behalf of the European Economic Community, indicated the interest of the Community in hosting the Study Group.

15. After further discussions, the Chairman introduced the text of a draft decision for consideration by the Meeting (TD/COPPER/L.3). The Meeting adopted the decision which is annexed to this report.

16. The Meeting urged countries which had participated in the United Nations Conference on Copper, 1988, and which had not yet notified their acceptance of the Terms of Reference of the International Copper Study Group to endeavour to complete their procedures and notify their acceptance of the Terms of Reference before the convening of the Meeting envisaged for 23 and 24 January 1992.

Annex

DECISION

The Secretary-General of UNCTAD convened consultations on 7 and 8 November 1991 concerning the bringing into force of the Terms of Reference of the International Copper Study Group. After an extensive exchange of views, it was agreed that an International Copper Study Group should be established in the very near future. To this end, the depositary is requested to convene a further Meeting in order that a decision can be taken under paragraph 22 (d) of the terms of reference of the International Copper Study Group to put them into force. This Meeting should take place on 23 and 24 January 1992 when arrangements should also be made for the convening of the inaugural meeting of the Study Group.

8 November 1991